

Regular Meeting

Agenda Item #	6
Meeting Date	December 13, 2004
Prepared By	Linda S. Perlman Asst. City Attorney
Approved By	Barbara B. Matthews City Manager

Discussion Item	Adoption of a new Codification of the Takoma Park Code.
Background	<p>The City has been working, in conjunction with editorial staff of Matthew Bender & Company, Lexis-Nexis Municipal Codes (successor to Book Publishing Company), to compile, edit, reorganize, and index a new codification of the Takoma Park Code. The purpose of the recodification is for clarity and convenience--not to modify or make any substantive changes to any provision of the Takoma Park Code and City ordinances existing as of the effective date of the recodification. The new codification and the repeal of the City of Takoma Park Code, 1972 edition, as amended (<i>i.e.</i>, all general and permanent ordinances existing as of July 26, 2004 that are not included in the recodified Takoma Park Code) needs to be adopted by the Council by ordinance. The attached Errata Sheet corrects errors and omissions in the new City of Takoma Park Municipal Code (2004).</p> <p>The ordinance was adopted at 1st Reading on December 6, 2004.</p>
Policy	Section 401(b)9 of the Municipal Charter of the City of Takoma Park authorizes the Council to provide for the codification of all ordinances and Article 23A, Section 17D of the Annotated Code of Maryland requires municipalities to provide annually for the preparation and distribution of a new edition of its code of ordinances or for a supplement to its most recent code. The Council last adopted a complete recodification of its laws in or about 1972. Substantial changes have occurred in the laws of the City since the last codification.
Fiscal Impact	\$750.00 annual fee for CodeMaster technical support and software updates.
Attachments	<ol style="list-style-type: none"> 1. Ordinance No. 2004-37 adopting the new codification of the Takoma Park Code. 2. Errata Sheet.
Recommendation	Adopt, at 2nd reading, Ordinance No. 2004-37 adopting the new codification of the Takoma Park Code.
Special Consideration	

Introduced by: Councilmember Elrich

First Reading: December 6, 2004

Second Reading:

Drafted by: Linda S. Perlman

Assistant City Attorney

Draft date: December 1, 2004

Effective Date:

ORDINANCE NO. 2004-37

(Adoption of a New Codification of the City of Takoma Park Code)

WHEREAS, the City Charter and all ordinances of a general and permanent nature enacted by the Council and in force and effect as of July 26, 2004 (through Ordinance No. 2004-26) have been codified into a new City of Takoma Park Municipal Code; and

WHEREAS, the new codification of the City of Takoma Park Municipal Code consists of the compilation and reorganization of existing ordinances so as to create a unified and updated Code; and

WHEREAS, the Council desires to adopt a new format for the publication of the City of Takoma Park Municipal Code, including both a printed Code and an online Code, in order to provide greater citizen access to the current laws of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND.

SECTION 1. The “City of Takoma Park Municipal Code,” dated 2004, as compiled, codified, edited, and published by LexisNexis Municipal Codes, Matthew Bender & Company, Inc., a copy of which is on file in the Office of the City Clerk and incorporated by reference in this Ordinance, is adopted as the charter and the code of laws of general application of the City of Takoma Park, Maryland, and is hereinafter referred to as the “Takoma Park Code” or as “Code.”

SECTION 2. The Takoma Park Code supersedes and repeals all general and permanent ordinances in force and adopted before July 26, 2004 that are not included in the Takoma Park Code adopted by this ordinance.

SECTION 3. This ordinance does not affect the validity of any ordinances of a general and permanent nature adopted by the Council after July 26, 2004, which ordinances will subsequently be reorganized in accordance with the style and organization of the new Takoma Park Code and be included in a printed supplement to the Takoma Park Code and in the online Code. To the extent that any ordinance adopted subsequent to July 26, 2004 conflicts with any provision of the new Takoma Park Code, the provisions of said ordinances shall prevail.

SECTION 4. This ordinance does not repeal or in any way affect the validity of special or non-permanent ordinances (which are not codified) or of resolutions adopted by the Council which are in full force and effect as of the date of the adoption of this ordinance.

SECTION 5. This ordinance does not revive any ordinance, or part thereof, that has been repealed by an ordinance that is repealed by this ordinance.

SECTION 6. References to the Takoma Park Code shall be understood and intended to include additions and amendments thereto.

SECTION 7. Any ordinance adopted after July 26, 2004 that amends or refers to ordinances that have been codified in the Takoma Park Code shall be construed and interpreted as if it refers to like provisions of the new Takoma Park Code.

SECTION 8. The attached Errata Sheet adds material which was erroneously omitted from the printing of the new Takoma Park Code and corrects certain errors made in the printing of the new Takoma Park Code. The additions and corrections set forth on the Errata Sheet are hereby adopted as part of the new Takoma Park Code. Any other typographical and grammatical errors may be corrected in the printing of the Takoma Park Code and in the online Code without the necessity of a further amending ordinance.

SECTION 9. This Ordinance shall be effective upon adoption.

Adopted this ____ day of _____, 2004, by roll-call vote as follows:

Aye:

Nay:

Absent:

Abstain:

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ERRATA SHEET

City of Takoma Park Municipal Code (2004)

NOTE: In this Errata Sheet, additions and corrections to the City of Takoma Park Municipal Code (2004) are underlined and in bold; deletions to the City of Takoma Park Municipal Code (2004) are shown by ~~strikeout~~.

Page C-4 Description - There is an extra quotation mark before “Takoma” in Section 102, City Successor to Town, of the Municipal Charter of the City of Takoma Park.

Correction -

Section 102 City Successor to Town

The “City of Takoma Park” is hereby declared to be the legal successor to the “Town of “Takoma Park,” and shall be entitled to, and is hereby vested with, all the property and rights of every nature whatsoever, belonging to the “Town of Takoma Park.”

Reason - Typographical error.

Page C-4 Description - An “s” was omitted from the word “times” in Section 201, Records of Corporate Boundaries, of the Municipal Charter of the City of Takoma Park.

Correction -

Section 201 Records of Corporate Boundaries

The corporate limits or boundaries of the City of Takoma Park shall be filed at all times with the Clerk of the Circuit Court for Montgomery County, the Director of the Department of Legislative Services and in the office of the City Manager.

Reason - Typographical error.

Page 23 Description - Term expiration chart set forth in § 2.16.010.C. for statutory Council-appointed committees.

Correction -

Committee	Term Length (Years)	Expiration
Arts and Humanities Commission (Ord. No. 2003-01 <u>§ 2.16.140 et seq.</u>)	3	June 30
Commission on Landlord-Tenant Affairs (§6-600 <u>§ 6.24.010 et seq.</u>)	3	June 30

Committee	Term Length (Years)	Expiration
Ethics Commission (§5-104 <u>§ 3.04.050 et seq.</u>)	2	September 30
Facade Advisory Board (Ord. No. 2002-7 <u>§ 8.04.010 et seq.</u>)	3	April 30
Free Burma Committee (§3A-9 <u>§ 9.08.090</u>)	2	March 31
Noise Control Board (Ord. No. 2002-35 <u>§ 14.12.140</u>)	3	March 31
Nuclear-Free Committee (§8A-12 <u>§ 14.04.110</u>)	2	March 31
Personnel Appeals Board (§8B-181 <u>§ 4.04.800 et seq.</u>)	3	March 31
Public Safety Citizens Advisory Committee (§2-441 <u>§ 2.16.070 et seq.</u>)	2	September 30
<u>Safe Roadways Committee</u> <u>(§ 2.16.100 et seq.)</u>	<u>3</u>	<u>June 30</u>
Tree Commission (§2-421 <u>§ 2.16.020 et seq.</u>)	3	September 30

Reason - The term expiration chart omitted the Safe Roadways Committee and the statutory references to the committees in the chart were to the old Code.

Page 23

Description - Addition of Article 6, Arts and Humanities Commission, to the title page for Chapter 2.16, Boards and Commissions.

Correction -

Article 6. Arts and Humanities Commission

2.16.140 **Commission Established.**

2.16.150 **Statement of Purpose.**

2.16.160 **Commission Membership, Terms of Office, Structure, and Staffing.**

2.16.170 **Duties and Responsibilities of the Commission.**

Reason - Ordinance Nos. 2003-1 (Establishing the Arts and Humanities Commission) and 2003-6 (Revising the Membership Size of the Takoma

Park Arts and Humanities Commission) were inadvertently left out of the Takoma Park Municipal Code (2004).

Page 27

Description - Addition of the substance of Ordinance Nos. 2003-1 (Establishing the Arts and Humanities Commission) and 2003-6 (Revising the Membership Size of the Takoma Park Arts and Humanities Commission) to the Takoma Park Municipal Code (2004).

Correction -

Article 6. Arts and Humanities Commission

2.16.140 Commission Established.

There is hereby established a Takoma Park Arts and Humanities Commission which shall serve in an official advisory role to the City Council on all matters related to the arts, which will promote, coordinate, and strengthen public programs to further cultural development of the City.
(Ord. 2003-1 § 1 (part), 2003)

2.16.150 Statement of Purpose.

The purpose of the Takoma Park Arts and Humanities Commission shall be as follows:

A. To advise the City Council on ways in which the City might best serve the public with regard to matters involving the arts.

B. To encourage and aid the appreciation and awareness of, and participation in, the arts among all Takoma Park residents.

C. To encourage cooperation and coordination among individuals, organizations and institutions concerned with the arts in Takoma Park.

D. To facilitate employment opportunities for artists and the development of self-sustaining arts programs.
(Ord. 2003-1 § 1 (part), 2003)

2.16.160 Commission Membership, Terms of Office, Structure, and Staffing.

A. Membership. The Commission shall consist of a minimum of 7 and maximum of 15 persons to be appointed by the City Council. A minimum of 2/3 of the members of the Commission shall reside in the

City of Takoma Park. No organization which is a potential recipient of city arts funding shall have on the Commission more than one person who serves on its board or staff. Every effort shall be made to have a broad and diverse representation of the fine and performing arts community and of local arts and cultural organizations on the Commission.

B. Terms of Office. Commission Members shall serve staggered 3-year terms with initial appointments of one, 2 and 3 years. All terms shall begin on July 1st and end on June 30th. Members may be appointed for a maximum of 2 successive terms. Mid-term vacancies shall be filled to serve the balance of the unexpired term.

C. Structure

1. The Commission shall organize and adopt by-laws and rules of procedure, necessary to accomplish its purposes, and elect from its members a Chairman and such other officers as it shall deem necessary. Officers shall serve for a period of one year.

2. The Commission shall meet quarterly or as often as required to fulfill its responsibilities.

3. All meetings shall be open to the public and are subject to the Maryland Open Meetings Law. Meeting notices and agendas shall be prepared and submitted to the City Clerk and posted in advance of any Commission meeting in accordance with state law. Written records of Commission proceedings shall be maintained. A report on the activities of the Commission shall be submitted to the City Council once a year.

4. The Commission shall not meet unless a majority of the appointed members are present.

5. The Commission, individually, or as a whole, may lobby or provide comments or recommendations to entities other than the City Council only as authorized and directed by the City Manager or through formal action of the City Council.

D. Staffing. The City Manager or his or her designee shall provide appropriate staff support to the Commission. (Ord. 2003-6 §1, 2003/Ord. 2003-1 § 1(part), 2003)

2.16.170 Duties and Responsibilities of the Commission.

The Commission shall advise and assist the City Council with

respect to developing and promoting the performing and visual arts for the enjoyment, education, cultural enrichment and benefit of the residents of the City of Takoma Park. In furtherance of these duties, the Commission shall attempt to accomplish the following:

A. Develop in cooperation with other City Departments and the Montgomery County Arts and Humanities Council, a long range master plan for the development of a thriving arts community in Takoma Park and the utilization of public facilities for art related activities. Such master plan shall be updated every 2 years.

B. Initiate, sponsor, conduct or support, alone or in cooperation with other public or private agencies, public programs in the arts.

C. Serve as a clearinghouse for information about Takoma Park artists, art programs, facilities, organizations and institutions and to actively encourage public awareness, utilization, and support of such resources.

D. Advise the City as to the availability and adequacy of facilities and space for the presentation of cultural activities.

E. Review and advise on the aesthetic aspects of all works of art or designs or public monuments accepted or commissioned by the City.

F. Prepare and submit budgetary recommendation to the City Manager for annual expenditures necessary for the continuation and development of public programs and facilities which further the arts.

G. Review funding requests and recommend to the City Council the allocation of monies to cultural organizations, arts organizations, and individual artists.

H. Seek out and encourage contributions and grants to the arts from private and public sources.

I. Initiate proposals for Federal and State assistance to the arts and to review arts related proposals and programs originated by the City and approved by the City Manager.

J. Keep abreast of what other communities are doing to further the arts and to adapt their accomplishments to the needs of Takoma Park.

K. Prepare an annual report to the City Council on the activities of the Commission.
(Ord. 2003-1 § 1 (part), 2003)

Reason - Ordinance Nos. 2003-1 (Establishing the Arts and Humanities Commission) and 2003-6 (Revising the Membership Size of the Takoma Park Arts and Humanities Commission) were inadvertently left out of the Takoma Park Municipal Code (2004).

Page 43

Description - The title page to Title 4, Personnel, lists the word “employer” instead of “employee” in the title of Chapter 4.16.

Correction -
4.16 **Employee** ~~Employer~~ Assistance Program

Reason - Typographical error.

Page 300

Description - In § 10.12.020, Refuse regulations applicable to multifamily units, there should be a comma between “tenants” and “lessees” instead of a period.

Correction -
10.12.020 Refuse regulations applicable to multifamily units.
Separation of refuse, preparation of reuse and refuse containers provided by owners, tenants, lessees or occupants of the multifamily unit premises shall comply with all ordinances and regulations of the City presently in effect and to become effective in the future, except for Section 10.08.080, if the City does not collect refuse from the premises.

Reason - Typographical error.

Pages 343 - 356-4

Description - Title 12, Trees and Vegetation, Chapters 12.04, 12.08, and 12.12.

Correction -
The statutory reference at the end of each section of Title 12 is corrected to read: (Ord. 2003-~~40~~ =4 (part), 2004)

Reason - Typographical error.

Pages 367 - 368

Description - Title 13, Vehicles and Traffic, Chapter 13.16, Special Traffic Regulations.

Correction - The reference in §§ 13.16.020, 13.16.030.D., 13.16.040, and 13.16.050.D to a Class N offense is changed to a Class G offense.

Reason - Ordinance 2004-3, revising Chapter 1, General Provisions, of the Takoma Park Code (Prior Code), eliminated Class M, N, and O offenses and replaced them with Class E, F, and G offenses. A Class N offense had a fine of \$25.00 for the initial offense and a Class G offense also has a \$25.00 fine.

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